

UNITED STATES OF AMERICA)
) Case No. 1:20-cr-011-CLC-SKL-013
)
v.)
)
)
)
KENNETH COLBAUGH)

Pursuant to 28 U.S.C. § 636(b), I conducted a plea hearing in this case on May 24, 2021.

Therefore, I **RECOMMEND** defendant's motion to withdraw his not guilty plea to Count One of the Second Superseding Indictment be granted, his plea of guilty to the lesser included

offense of the charge in Count One, that is of conspiracy to distribute and possess with intent to distribute 5 grams or more of methamphetamine (actual) and 50 grams or more of a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance in violation of Title 21 U.S.C. §§ 846, 841(a)(1), and 841(b)(1)(B) for the undertakings made by the government in the written plea agreement be accepted, the Court adjudicate defendant guilty to the lesser included offense of the charge in Count One, that is of conspiracy to distribute and possess with intent to distribute 5 grams or more of methamphetamine (actual) and 50 grams or more of a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance in violation of Title 21 U.S.C. §§ 846, 841(a)(1), and 841(b)(1)(B) in exchange for the undertakings made by the government in the written plea agreement, and a decision on whether to accept the plea agreement be deferred until sentencing. I further **RECOMMEND** defendant remain in custody until sentencing in this matter. Acceptance of the plea, adjudication of guilt, acceptance of the plea agreement, and imposition of sentence are specifically reserved for the district judge.

s/ Susan K. Lee

SUSAN K. LEE

UNITED STATES MAGISTRATE JUDGE

NOTICE TO PARTIES

You have the right to *de novo* review of the foregoing findings by the district judge. Any application for review must be in writing, must specify the portions of the findings or proceedings objected to, and must be filed and served no later than fourteen days after the plea hearing. Failure to file objections within fourteen days constitutes a waiver of any further right to challenge the plea of guilty in this matter. See 28 U.S.C. §636(b).